

WINSTON & STRAWN LLP
The Legal Center
One Riverfront Plaza, 7th Floor
Newark, New Jersey 07102
(973) 848-7676
James S. Richter
Melissa Steedle Bogad

Attorneys for Defendant
Sun Pharmaceutical Industries Limited

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

_____	x
ELI LILLY AND COMPANY,	:
	: Honorable Dennis M. Cavanaugh, U.S.D.J.
	:
Plaintiff,	: Civil Action No. 07 CV 3770 (DMC) (JAD)
	:
v.	:
ACTAVIS ELIZABETH LLC, GLENMARK	: NOTICE OF CROSS-APPEAL TO THE
PHARMACEUTICALS INC., USA, SUN	: COURT OF APPEALS FOR THE
PHARMACEUTICAL INDUSTRIES	: FEDERAL CIRCUIT
LIMITED, SANDOZ INC., MYLAN	:
PHARMACEUTICALS INC., APOTEX INC.,	:
AUROBINDO PHARMA LTD., TEVA	:
PHARMACEUTICALS USA, INC.,	:
SYNTHON LABORATORIES, INC., ZYDUS	:
PHARMACEUTICALS, USA, INC.,	:
	:
Defendants.	:
	:
_____	x

Notice is hereby given that Defendant Sun Pharmaceutical Industries Ltd. ("Sun") hereby cross-appeals to the United States Court of Appeals for the Federal Circuit from the Final Judgment entered in this action on the 25th day of August, 2010, to the extent the Court made any rulings and/or findings adverse to Sun, including, without limitation, the Court's findings that:

- (1) Sun's conduct constitutes inducement of infringement of claims 1-16 of U.S. Patent No. 5,658,590 ("the '590 patent"), if valid;
- (2) Defendants failed to prove by clear and convincing evidence that claims 1-16 of the '590 patent are invalid for obviousness; and
- (3) Defendants failed to prove by clear and convincing evidence that claims 1-16 of the '590 patent are invalid for lack of enablement to the full scope of the claims.

and from all underlying and related opinions, orders, decisions, and rulings.¹

WINSTON & STRAWN LLP
Attorneys for Defendant
Sun Pharmaceutical Industries Ltd.

By: s/ James S. Richter
James S. Richter
jrichter@winston.com
Melissa Steedle Bogad
mbogad@winston.com

Dated: August 27, 2010

OF COUNSEL:

James F. Hurst
WINSTON & STRAWN LLP
35 West Wacker Drive
Chicago, IL 60601

Gail J. Standish
Peter E. Perkowski
WINSTON & STRAWN LLP
333 S. Grand Avenue
Los Angeles, CA 90071

¹ Sun cross-appeals to preserve its rights in light of certain Federal Circuit case law discussing when a cross-appeal must be initiated. *See, e.g., Minnesota Mining and Mfg. Co. v. Chemique, Inc.*, 303 F.3d 1294, 1308-09 (Fed. Cir. 2002); *Bailey v. Dart Container Corp.*, 292 F.3d 1360, 1362 (2002). In the alternative, Sun respectfully requests that the Court treat Sun's arguments in support of its cross-appeal as alternative arguments in support of the district court's grant of final judgment in favor of Sun.

Jovial Wong
WINSTON & STRAWN LLP
1700 K Street, NW
Washington, DC 20006